

Washoe County Board of Adjustment



**WPVAR23-0001**  
**Harold Drive**

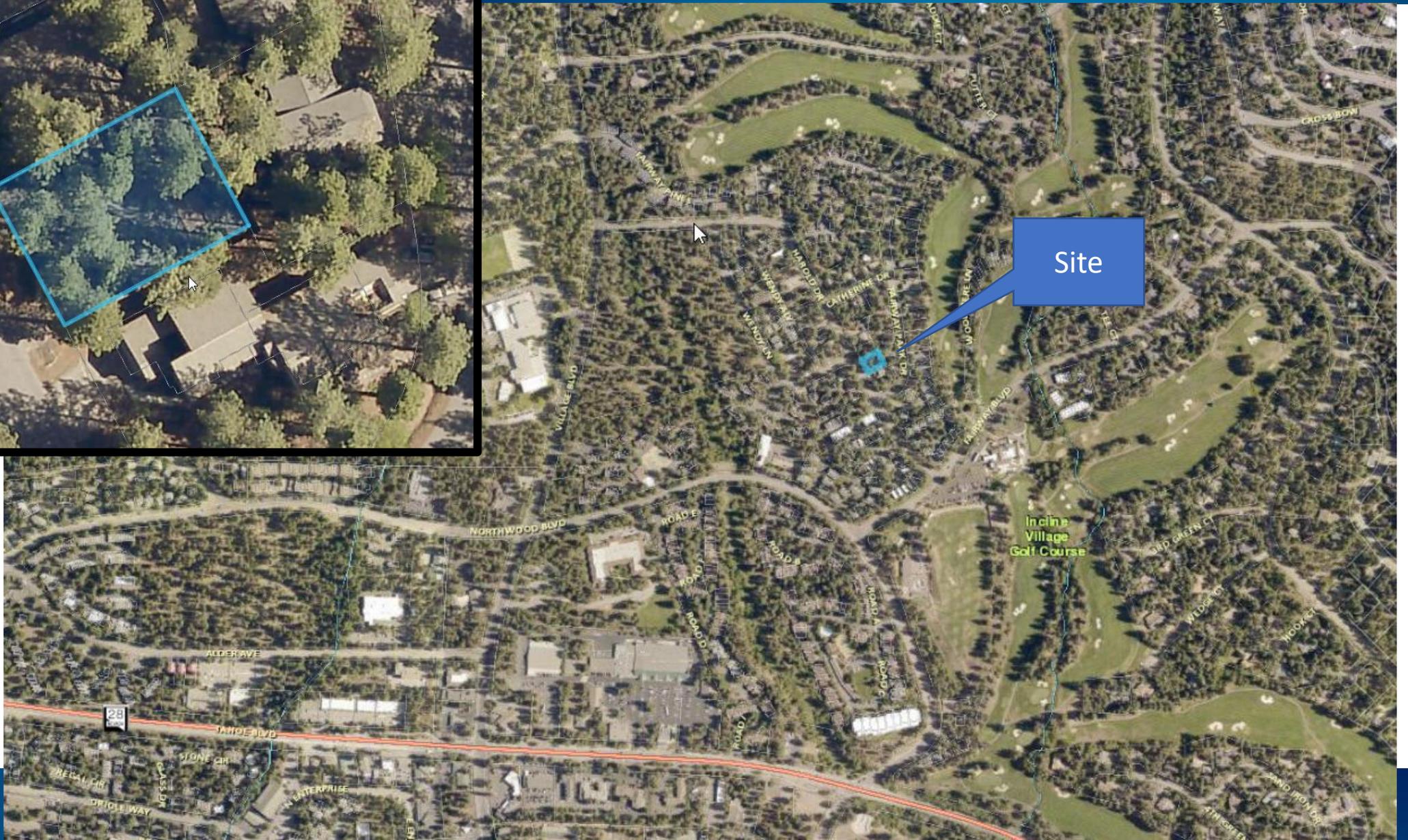
June 1, 2023

# Request

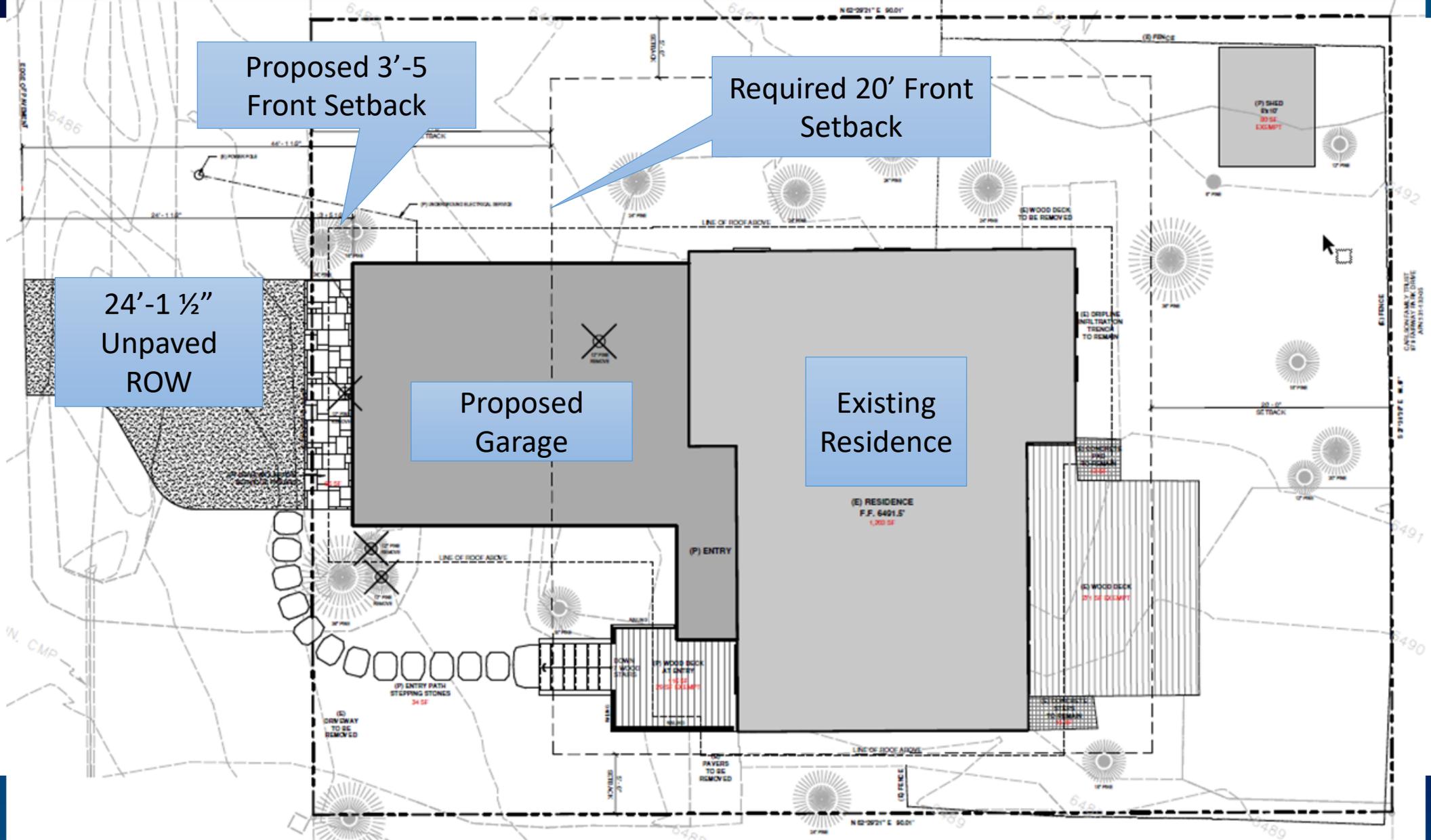


This is a request to vary the front yard setback from 20 feet to 3 feet and 5 ½ inches to allow for the construction of a two story building with a two-car garage with a master suite on the second floor.

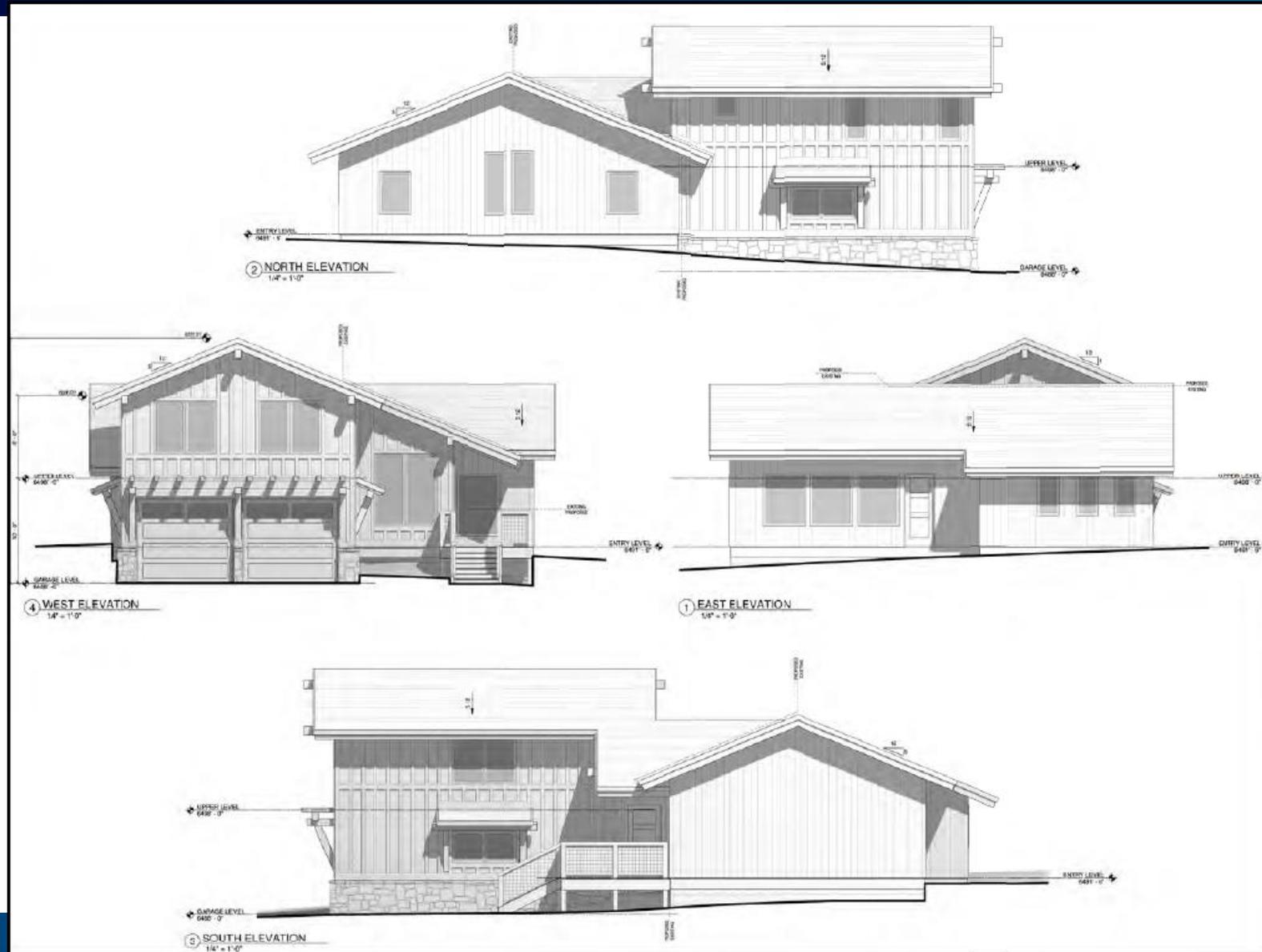
# Vicinity Map



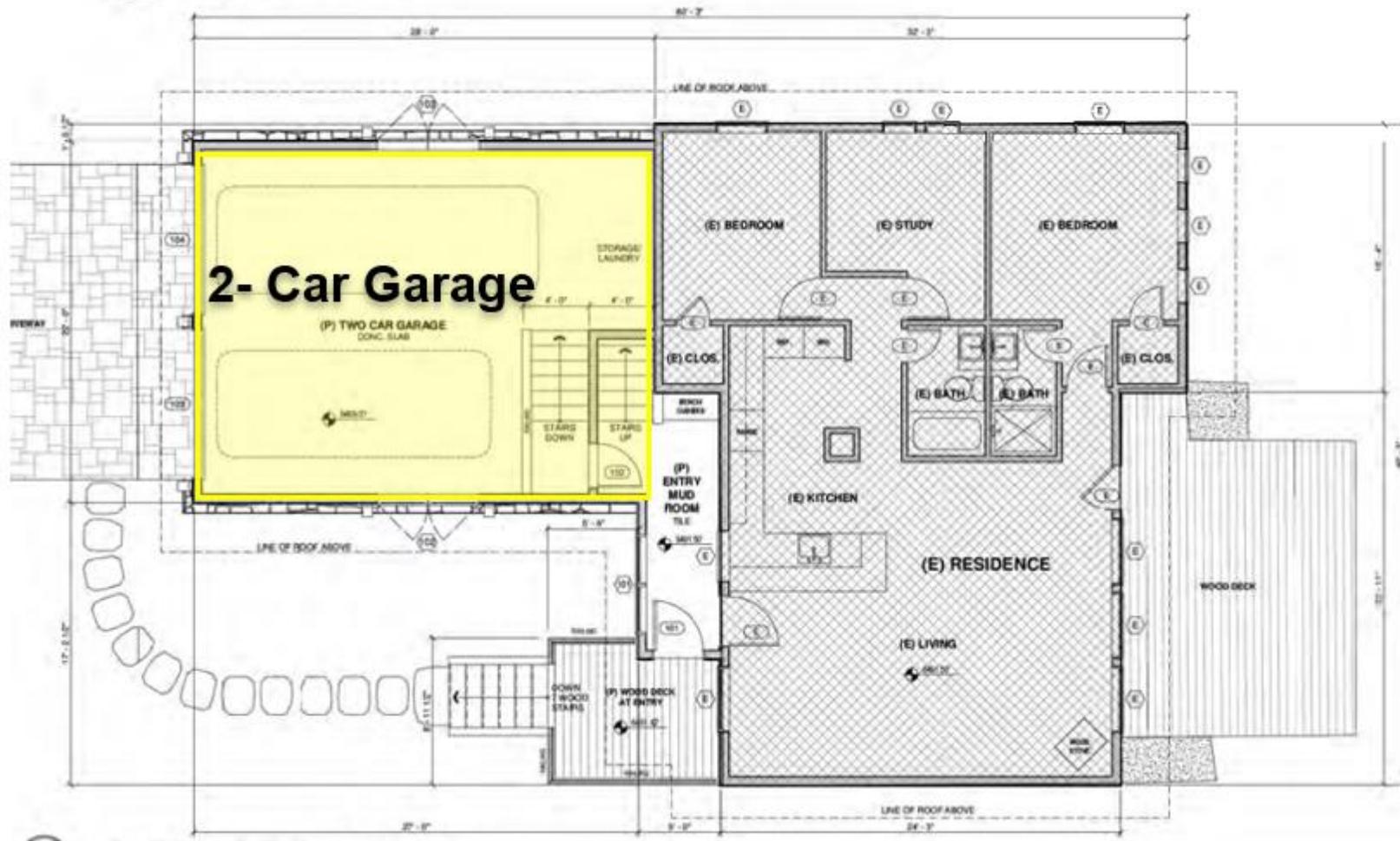
# Site Plan



# Elevations



# Floor Plans



# Site Photos



# Evaluation



- The variance request is for a parcel with a 1,088 SF residence built in 1977, without a garage.
- According to the applicant, “there is no possibility to add a garage” without encroaching into the front setback.
- Additionally, the applicant states “The inability to construct a garage poses a human and health and safety concern given Tahoe's harsh winters and results in the residence being non-compliant with Washoe County parking standards. The financial, environmental, and practical realities of demolishing the residence solely for the purpose of constructing a garage is unrealistic.”
- Washoe County Code Table 110.410.1 requires a one-car enclosed garage, and the proposed garage would make the residence conforming

# Findings



- Approval of a variance is limited to particular circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances.
- The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship:
  - 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or
  - 2) by reason of exceptional topographic conditions; or
  - 3) other extraordinary and exceptional situation or condition of the piece of property.

# Requirement 1 & 2



## Exceptional Narrowness, Shallowness, Shape or has Topographic Condition:

- The 6,000 SF parcel is not exceptionally narrow, shallow, shaped nor has exceptional topographic conditions that would warrant granting a variance.
- The property width is 66.67 feet, the length is 90 feet, is rectangular in shape and is relatively flat with no topographic issues.
- Per the Washoe County Code (WCC), Section 110.220.55 Yard and Lot Standards, the minimum lot width for lots 5,000 SF to 11,999.99 SF is 60 feet.

# Requirement 3

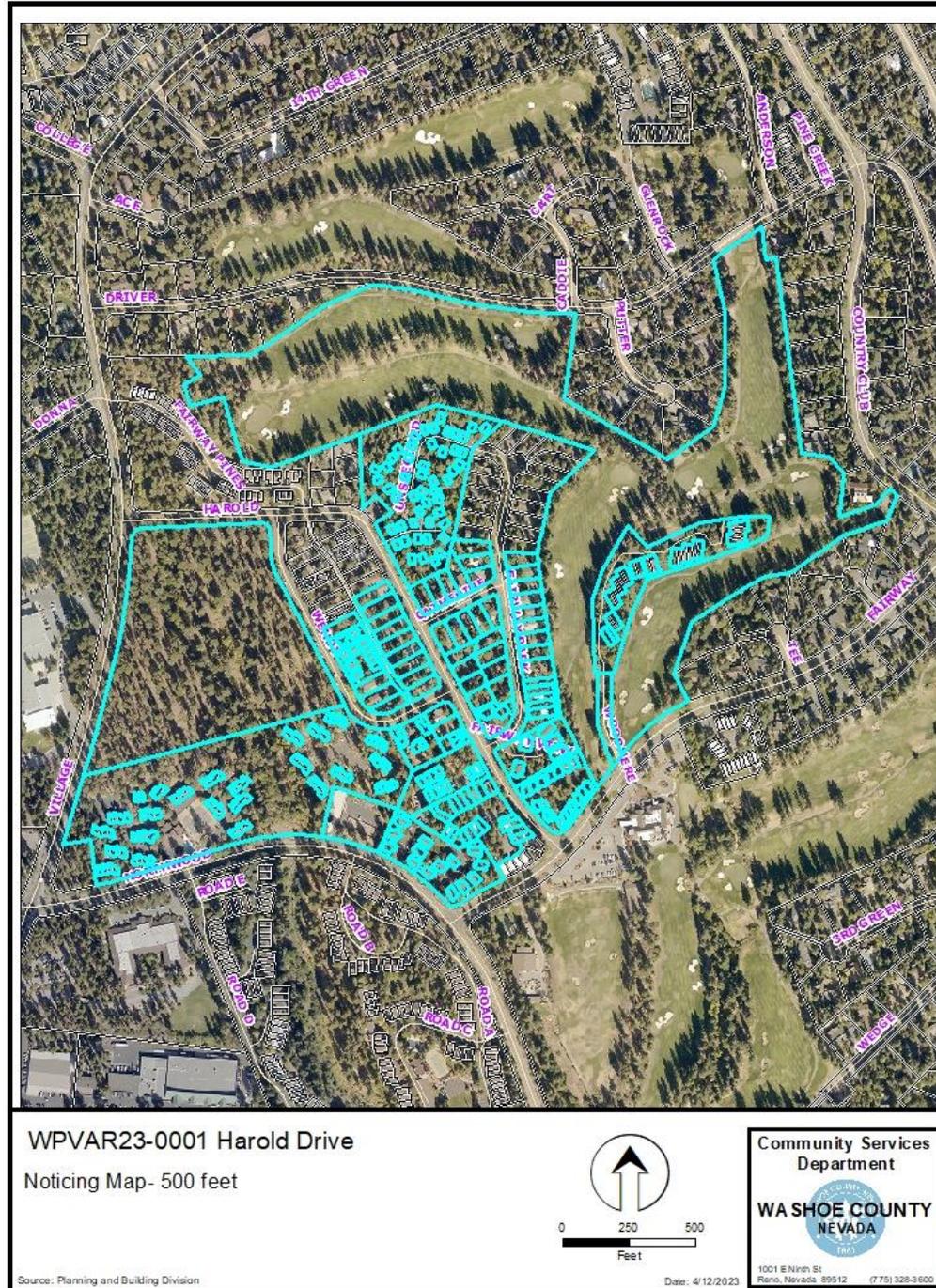


Extraordinary and exceptional situation or condition of the property and/or location of surroundings.

- The applicant contends that there are extraordinary and exceptional conditions, based upon the year the house was built and the inability to construct a garage without the granting of a variance.
- There are houses throughout the Tahoe Basin that were built at a time when garages were not required.
- Not having a garage in the Basin can be difficult at times, however staff cannot find that this property has any extraordinary or exceptional situation or conditions
- Staff does not find that the applicant has demonstrated that the subject property exhibits one or more of the criteria needed to make the first finding of special circumstances as required by Nevada Revised Statutes and recommends denial of the variance.

# Noticing

- 135 parcels were noticed
- Received 1 phone in opposition and no emails were received.
- No Neighborhood Meeting was required.



# Reviewing Agencies



- Various agencies reviewed the application, their comments are included in the staff report, Exhibit A
- Agencies with conditions, are included in the Conditions of Approval

## Staff is not able to make the required findings:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

# Possible Motion



I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR23-0001 for Eric Ostertag, having been unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25.

# Thank you

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